REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicants have amended claims 1, 4-5, 9, 12, 15-24, and 29-30 and claims 2-3, 8, 13-14, and 25-28 have been canceled. Accordingly, claims 1, 4-7, 9-12, 15-24, and 29-30 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 1-3, 12-15, 18-19, 21-22 and 25-28 under 35 U.S.C. § 103(a) as being unpatentable over Saarela, et al. (US 6,366,785) in view of Megyesi (US 5,544,230). The Applicants have canceled claims 2-3, 13-15 and 25-28 and amended claims 1, 12, 18-19 and 21-22 to better distinguish the claimed invention from Saarela and Megyesi. The Examiner's consideration of the amended claims is respectfully requested. Saarela and Megyesi alone or in combination do not disclose the claimed invention nor suggest the claimed invention, nor is there any motivation to combine the two references. As amended, independent claim 1 claims mobile terminals, one of which is operable to replay an audio file, such as a song, over a network to a second mobile terminal, wherein the song, for example, can be heard by the users of both mobile terminals, while at the same time allowing the users to converse with each other using voice signals.

In contrast, Saarela discloses a voice communication method and system whereby a telephone call is initiated from a first to a second telephone device and *in the event that a voice channel cannot be opened between the first and second telephone devices*, a method and system of recording a voice message at the first telephone device; and subsequently transmitting the recorded message directly from the first to the second telephone device without necessarily requiring further user input. In Saarela, the recorded message is transmitted from the first to the second telephone device via the telephone network, however, the message is not stored in a voice mailbox assigned to the second telephone device. The subsequent transmission of the

recorded message is carried out automatically by the first telephone device in co-operation with the telephone network and the second telephone device. Further, Saarela discloses a method comprises transmitting a message from the network, to which the first telephone device subscribes, to the first telephone device to notify the first device when a voice channel can be opened to the second device and in response to this notification opening a voice channel between the two devices and transmitting the recorded message. The recorded message is held in a "document outbox" of the first telephone device until the voice channel becomes available. Where the first telephone device is a cellular telephone subscribing to a GSM cellular telephone network, the notification may be made by way of a Completion of Call on Busy Subscriber (CCBS) message. The foregoing invention of Saarela is unrelated to the present invention. It is a *sine quo non* of the present invention for there to be a live connection between the two mobile terminals. It is an essential element of Saarela that there not be such a connection. In Saarela, it is impossible for both users of the mobile terminals to hear the recording, and at the same time, have a voice conversation. Megyesi does not cure this defect.

The invention is of Megyesi is an apparatus and a method for preparing and presenting a recorded sales presentation for use in telemarketing. The method comprises the steps of: connecting a telephone mouth piece to the input of a recording device; using the telephone mouth piece as a microphone for recording a telemarketing sales presentation on the recording device; and playing back the recorded sales presentation over a telephone by connecting sound signals originating from the recorded sales presentation to the voice signal transmission lines of a telephone. In Megyesi, the step of connecting a telephone mouth piece to the input of a recording device comprises the step of connecting the voice signal transmission lines of a telephone to the recording input of the recording device; while the step of using the telephone mouth piece as a microphone comprises the further step of isolating the mouth piece from telephone line background noise so that a recording of the sales presentation with the sound quality of a live telephone transmission is achieved.

It is noted that in Megyesi, due to the method in which the recorder is attached to the telephone mouth piece, it is not possible to play the recorded audio and at the same

time have a live conversation as in the present invention. Further, Megyesi is not adapted for use with mobile terminals. Claims 19-22 depend from amended claim 18 and recite further limitations in combination with the novel elements of claim 18. Therefore, the allowance of claims 1, 12. 18-22 is respectfully requested.

The Examiner rejected claims 4-9 under 35 U.S.C. § 103(a) as being unpatentable over Saarela, in view of Megyesi, and further in view of Segal, et al. (US 6,167,251). The Applicants have canceled claim 8 and amended claims 4-5 and 9 to better distinguish the claimed invention from Saarela, Megyesi and Segal. As noted above, Saarela and Megyesi in combination do not disclose the capability of having a real-time voice conversation over a network while at the same time playing previously stored audio files that can be heard by the users of the mobile terminals that are connected over the network. Nor does Segal disclose this functionality. Segal discloses a keyless portable cellular phone system wherein matched sets of algorithmically generated communication units are generated, each communication unit pair defining a discrete time increment of authorized communication. One set is stored on a system server (i.e. a service provider), and the pre-paid set is available for use within a keyless portable cellular phone. The phone, normally non-activated, automatically contacts the system server upon selective activation by the user, to initiate a call (outgoing or incoming). A voice recognition system allows the user to place calls and/or receive calls. During a call, the keyless portable cellular phone periodically sends the sequential discrete airtime communication units, having unique identifiers (i.e. encryption), whereby the system server allows pre-paid authorized access to time increments of system services, such as communication, based upon the receipt of the matching, uniquely identified, sequential discrete airtime communication units.

Claim 4 depends from amended claim 1 and recites further limitations in combination with the novel elements of claim 1. Claims 6 and 7 depend from amended claim 5 and recite further limitations in combination with the novel elements of claim 5. Therefore, the allowance of claims 4-7 and 9 is respectfully requested.

The Examiner rejected claims 16-17, 20 and 23-24 and 25-28 under 35 U.S.C. § 103(a) as being unpatentable over Saarela, in view of Megyesi, and further in view of Schuster, et al. (US 6,446,127). The Applicants have canceled claims 25-28 and

amended claims 16-17, 20, and 23-24, including their base claims, to better distinguish the claimed invention from Saarela, Megyesi and Segal. As noted above, Saarela and Megyesi, in combination, do not disclose the capability of having a real-time voice conversation over a network while at the same time playing previously stored audio files that can be heard by the users of the mobile terminals that are connected over the network. Schuster does not disclose this functionality. Schuster discloses a system and method for providing user mobility services on a data network telephony system where user attributes may be transmitted from a portable information device, such as a personal digital assistant, to a voice communication device, such as an Ethernet-based telephone.

Claims 16-17 depend from amended claim 12 and recite further limitations in combination with the novel elements of claim 12. Claim 20 depends from amended claim 1 and recites further limitations in combination with the novel elements of claim 1. Claims 23-24 depend from amended claim 16 and recite further limitations in combination with the novel elements of claim 16. Therefore, the allowance of claims 16-17, 20 and 23-24 is respectfully requested.

The Examiner rejected claims 10-11 and 29-30 under 35 U.S.C. § 103(a) as being unpatentable over Saarela, in view of Megyesi and Segal, and further in view of Abecassis, et al. (US 6,192,340). The Applicants have amended claim 9 on which claims 10-11 are based, and claims 29-30 to better distinguish the claimed invention from Saarela, Megyesi, Segal and Abecassis. As noted above, Saarela, Megyesi and Segal, in combination, do not disclose the capability of having a real-time voice conversation over a network while at the same time playing previously stored audio files that can be heard by the users of the mobile terminals that are connected over the network. Nor does Abecassis disclose this functionality. Abecassis discloses communicating a user's information preferences to an information provider; receiving, from the information provider, informational items (which are not real-time voice) that are responsive to the user's information preferences; interleaving and sequencing, for the user, a playing of the received informational items with a playing of a plurality of musical items included in an audio library of the user; and playing, for the user and responsive to the interleaving and sequencing, the received informational items within a

playing of the plurality of musical items. Abecassis, even if combined with the prior references, does not disclose all of the elements of the claimed invention. Claims 10-11 depend from amended claim 9 and recite further limitations in combination with the novel elements of claim 9. Claims 29-30 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 10-11 and 29-30 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1, 4-7, 9-12, 15-24 and 29-30.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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Date: April 19, 2006

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